

used that in order to expedite consideration of matters and everybody understands that, and everybody can then debate.

Mr. SESSIONS. I just recall when Senator DASCHLE was the majority leader, he brought up huge legislation outside of the committee that could not have been passed in the committee. We were forced to debate that legislation on the floor under rule XIV. To say there is some procedural problem here, when Senator HATCH has managed the bill through the committee process, when we have debated the bill, and when we have voted on the bill in committee, it came out 12 to 7, is baffling. As far as rule XIV is concerned, everybody was given notice of what would happen, this is just pure obstructionism. This is just an excuse to delay, delay, obstruct, obstruct.

We are coming to the end of this legislative session. We have a lot of things to do. One of the things we absolutely ought to do is to move this bipartisan bill to fix class action litigation in America. It is the right thing to do. It has the overwhelming majority support of the Members of this body. Yes, it has the opposition of a small but powerful little group of trial lawyers who put a lot of money in the political campaigns, but it is the right thing to do, and we ought to move forward with it.

I think there is every reason for those who believe in improving the legal system to be upset at the obstructionism that we are facing by a majority leader who has approved this. I think if we had some leadership on the other side by Senator DASCHLE, we could move this bill. To lay back is to allow the trial lawyers to control this matter.

There are a lot of reasons why we ought not have a single state judge in Madison County, as the Senator said, trying cases that have impact all over America. That is not good. A Federal court, with a Federal judge, with a quality group of law clerks, a fine staff, and by far a smaller caseload than most State judges have—I would say on the average, in my experience, that the State judges would carry maybe 10 times as many cases on their docket as a Federal judge has on the Federal court docket. The Federal judges give more attention to the cases and they have more ability to focus on a case. There is the ability to issue subpoenas nationwide and make things happen in ways that are more difficult in State court. So a major class action involving millions of dollars and thousands of plaintiffs from different states ought to be tried in Federal court when there is a majority of the people involved who are out of State.

This reform fixes some of the problems associated with class actions. It sets up legislation that gives special scrutiny for those abused coupon-related settlements, where the victims get coupons and lawyers get big fees.

It guarantees that notifications to class Members to be in plain English. It

scrutinizes against a negative awards, where plaintiffs who may not have even known they were plaintiffs end up having to pay attorney's fees in a case they never authorized to go forward. It provides protection against unwarranted higher awards for certain class members, just because they are in a certain area of the country. And there are prohibitions on the payment of bounties.

It makes it more difficult, when you are facing a fair judge who you believe will rule on the law and give you a fair shake, not in a county that has a reputation of just hammering defendants in favor of the attorneys who file the cases. That allows defendants to litigate with integrity, and not feel they must just pay up, almost in the form of blackmail, to get the matter away so they can go on about their business. This is not a fair way to do business.

This bill has a lot of good things in it that will make this area of the law, class actions, better, more fair, and more objective.

I thank the chair and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO BRECK WALL

Mr. REID. Mr. President, I rise today to express my congratulations and best wishes to my longtime friend and fellow Nevadan, Mr. Breck Wall.

Born in Jacksonville, FL in 1934, Mr. Wall has lived an interesting and exciting life. As an entertainer, he has known many talented and famous people in the world of show business. He has also crossed paths with well-known people in other walks of life. In the early 60s, he performed in the Dallas nightclub owned by Jack Ruby, the man who shot Lee Harvey Oswald.

The Las Vegas Sun has called Breck "one of the most durable performers in Las Vegas," and that is no exaggeration. This year he is celebrating the 45th anniversary of a show called "Bottoms Up," which he created in 1959 at the old Adolphus Hotel in Dallas.

Breck based this show upon slapstick vaudeville comedy, which explains its long-running appeal. The show is very Las Vegas, therefore, is enjoyed all over America.

After producing "Bottoms Up" in Dallas and Houston for several years, Breck brought the show to Las Vegas in 1964 . . . and he has never left.

The show is now a Las Vegas institution. It has played at many of the finest hotels in town, including Caesar's Palace and the old International Hotel where Elvis used to perform—now the Las Vegas Hilton. It is currently enjoying a run of several years at the Flamingo.

Breck has done more than 15,000 performances of this show, but he never gets tired of it . . . and neither do the audiences. The secrets of his longevity are a strong work ethic, and the kind of good nature that brings a smile and laughter to everyone who meets him.

I first met Breck in 1977 when I was chairman of the Nevada Gaming Commission. We were introduced by some mutual friends at an event, and we exchanged a few jokes. I could immediately sense Breck's warmth and his sharp wit.

We really became good friends a few years later, when I ran for Congress and Breck helped me with my campaign. Breck has produced shows for my campaign that have been exciting, entertaining and fun.

Helping other is typical of Breck Wall. Despite the demands of his travels and his work, he always finds time to contribute something to his community.

Most recently, he participated in the Golden Rainbow's 17th annual "Ribbon of Life" AIDS benefit at the Paris hotel in Las Vegas. This summer show helped raise more than a quarter of a million dollars for an organization dedicated to helping the men, women, and children living with HIV and AIDS.

I ask all my colleagues to join me in sending our good wishes to Mr. Breck Wall as he celebrates the 45th anniversary of "Bottoms Up," a Las Vegas entertainment tradition.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a horrific crime that occurred in West Hollywood, CA. After hugging a male friend outside of his home in September 2002, actor Treve Brody was beaten with a baseball bat. Mr. Brody was in a coma, and spent 10 weeks in the hospital after being struck in the back of his head. He suffered memory loss and impaired vision that prevents him from reading or driving.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement